

United States District Court
Southern District of Texas
Corpus Christi Division

Clerk, U.S. District Court
Southern District of Texas
FILED

SEP 26 2019

David J. Bradley, Clerk of Court

Bobbie Lee Havenkamp
Plaintiff

Cause # 2:17-CV-18

vs.

Motion to Deny
Defendants Protective
Order

University of Texas Mawage
Health Care Committee

Defendants. 1) Dr Ben Raimers

- 2) Dr. Lawwette Linthicum
- 3) Owens Murray, D.O
- 4) Dr Cynthia Jumper
- 5) Dr Parker Hudson
- 6) Dr Joseph Peww
- 7) John Mills, OD
- 8) Dr. Howard Berenzelg
- 9) Dr. Elizabeth Ann Linder
- 10) Mary Ann Linder
- 11) Dr. Marante de la Garza-Graham

Plaintiff's Memorandum
in
Opposition to Defendants
Motion for
Protective Order

The Counsel for the Defendants are listing only 7 Defendants, there are four Defendants missing — Where are they?

The Plaintiff ask the Court to deny the Defendants Motion for Protection Order,

A.
Introduction

1) The Plaintiff is Bobbie Lee Haverkamp

The Defendants are the eleven (11) members of the Mawage Health Care Committee,

2) The Plaintiff sued the Defendants for:

1) Discrimination

2) Sex-Stereotyping

3) Breach of Care / Contract.

3) The Plaintiff filed "A motion for Production.

The Defendants filed a motion for Protective Order asking the Court to enter an order protecting the Defendants from the Plaintiff's request.

B

Argument

4. Although the Court has broad discretion to protect a party with a protective order on showing of good faith or cause, this is not a case in which the Court should do so.

To determine good cause, the Rhiwehart Standard says the Court must weigh the movant's privacy interest in the information and its burden of producing the information against the nonmovants and the Public right to obtain information. (104 S Ct 2199)

- 5) The Court should deny the Defendants request for a protective order for the following reasons.

The Defendants have raised a Genuine Disputed Issue only a Jury may decide.

Page 2 in the Defendants brief the Equal Protection Clause is being used the wrong way. The Defendants fail to address Equal Protection Argument is a double edge sword that cuts both ways.

Gender Dysphoria is a condition that affects, natural males and natural females.

The issue is not the identity of male or female, the issue is Discrimination that other offenders are treated for their condition medically speaking, yet the Plaintiff as a Gender Dysphoria patient is denied treatment based on discrimination,

When you insert the Plaintiff as a biological Male, then Equal Protection has to apply, Biological Males being treated by the Defendants have a Standard of Care they are treated that is acceptable in the Medical Community, The Plaintiff has no Standard of Care that is acceptable in the Medical Community for the treatment of Gender Dysphoria,

IF

You insert the Plaintiff on the female side (Biological) then Biological females have a Standard of Care to treat their disorders that is acceptable in the Medical Community,

Yet even if you inject the Plaintiff, there is no Standard of Care to treat Gender Dysphoria that is Acceptable in the Medical Community.

So

The Genuine Disputed Issue that a Jury must decide is the Plaintiff similarly situated when it comes to other prisoners that Equal Protection goes only one way as the Defendants claim.

This is a matter for the Jury.

Eleventh Amendment Immunity

We are back to square one, the 12(B)(1) is a Court's decision. The Defendants need to convince the Court.

Counsel's request for a Protective Order until the 12(B) motions are heard is meaningless, the Court is under no time table to decide a 12(B) motion. These types of motions are the Defendants and can be decided anytime - before trial, during trial, after a jury hears Evidence.

Defendants say the Plaintiff's requests are overly Broad and unnecessary

Your Honor, the Defendants will put into play that Medical Care for Gender Dysphoria is a Medical Hot Spot.

We cannot wish it would go away. The Plaintiff knows and Counsel Strawn knows its going to be raised.

If Counsel Strawn doesn't raise the issue, he can bet his paycheck the Plaintiff will raise it.

Strawn is whining there's 31 facts to look up and its a Burden.

These 31 articles are the Eleven Defendants own articles they used to convince the Plaintiff that their treatment for Gender Dysphoria was safe, effective, accepted in the Medical Community and will cure the Plaintiff of Gender Dysphoria.

The Plaintiff ask nothing more than for the Defendants to produce their own documents.

That's not a Overbroad Request

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Again Counsel Strawn complains its a Burden to produce the names or committee that the Defendants would contact in TDCJ for approval to Treat Gender Dysphoria.

Your Honor, TDCJ and Medical Contractors UMB will soon be pointing the finger at Each other saying he did it, No, They did it. Someone's lying but which one?

Surely the Plaintiff should have the Equal Protection of Rule 34 to know who is the committee or persons that would approve or disapprove the treatment for Gender Dysphoria on the TDCJ side of the ledger.

The normal suspect is Dr. Lannette Linthicum, she is on TDCJ side of the Books, but she only falls very soft in that category. Yet you never know.

The contact person is important, the Defendants have already made the claim "They" won't let us provide proper medical care for Gender Dysphoria.

The Defendants state a Equal Protection claim in that other offenders are provided

Adequate Medical Care but "They" will not let the Defendants provide acceptable care for Gender Dysphoria to the Plaintiff.

So, back to square one — Is "They" lying or is the Defendants lying?

Someone is in the crosshairs of a 14th Amendment violation for Discrimination, Sex Sterotyping and Breach of Contract.

Lets ask the contact person. Surely Counsel Strawn has no objections to the truth.

Similarly Situated

This Argument fails, Gender Dysphoria affects males or females.

The point here is when other offenders get treatment for their medical condition and the Plaintiff is denied then the Defendants themselves state a violation of Equal Protection under the 14th Amendment.

Counsel Strawn's Argument is pointless

Burdensome for the Defendants

Your Honor, the Plaintiff is not trying to offend the Defendants poor little doctor's feelings but the items the Plaintiff asks for is "In House" at Galveston Hospital, I've scan it on their computer. Push the number in, press one button and up it pops, ready to read.

If the Defendant would quit violation of the 14th Amendment they would not be in this position.

Counsel Strawn argument is to weak to consider. The Defendant have the time, money and manpower, burdensome is not one of them.

Discovery

Counsel Strawn want Everyone to stop the wheels till his motions 12(b)(1) and 12(b)(6) are heard. Issue a stay, till my motions are heard.

The Plaintiff has not done this as that to show the Court.

The Plaintiff is not required to show any materials or information sought is necessary to facilitate the Courts ruling on any pending motions to dismiss.

This is Counselor Strawn burden to show beyond doubt that the Plaintiff cannot prove any set of facts that would entitle it to relief.

Counselor Strawn just forgot the detail, the Plaintiff understands, its just stress that Counselor Strawn is under duress to acknowledge the Plaintiff does not assert a 8th Amendment claim.

Your Honor, this Argument Counsel Strawn makes is moot and self-serving.

Certificate of Conference.

Counselor Strawn views on a conference is silly, if he wanted to confer he could.

Anytime a Federal Judge can place a 3-way conference call, the Texas Prison would jump through hoops for the Texas Attorney General.

Strawn is being a clown.

Summary

Your Honor, I am pro-se, not really versed in law.

The motion for a Protection Order is senseless, the original stay was to see if the Gibson case provided any relief and allow the Defendants breathing room, the Gibson case is over, The present Civil Action moves forward.

The Motions to Dismiss are the Defendants, they must prove to the Court there are no Genuine Issues in dispute. They must prove beyond a doubt the Plaintiff cannot prove any set of facts in the facts Allegations.

The Defendants have not done this in the 12(b)(1) or 12(b)(6) motions. They have done a lot of rattling but they never proved beyond doubt the Plaintiff cannot prove any set of facts in the allegations.

Your Honor, the Defendants next step is the reply — they get another bite of the Apple to dismiss in Summary Judgment.

The Plaintiff has the rebuttal to any Defendants reply, ready to go.

Once I receive the Rule 34 Documents, I need 5 days to incorporate them in my rebuttal to the Defendants Reply and Motion to Dismiss.

The Plaintiff Allegations are true, can be proven and will stand the test of scrutiny.

Plaintiff ask the Motion for Protective order be denied and the Defendants answer and produce the documents.

So Prays the Plaintiff.

Ms Bobbie Lee Haverkamp

Certification of Service

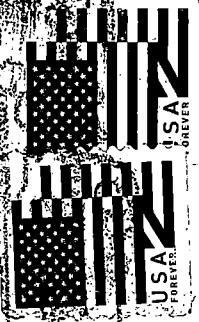
I do swear on Sept 23, 2019 I drop this document to the court and a copy to Counsel Strauss to be forward to the rest of his attorneys Mail to

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